

AMENDMENTS TO THE CLAIMS

1-9. (canceled)

10. (currently amended): A base station apparatus, comprising:

- a communication unit which communicates with a predetermined terminal apparatus at a variable transmission rate;
- a transmission rate varying unit which performs a processing of varying a transmission rate of an uplink or downlink according to a channel quality of the terminal apparatus;
- a detector which detects information on one of an uplink and downlink set to be prioritized, from request signals received from the terminal apparatus; and
- a communication control unit which refers to the information thus detected, and stops the processing of varying the transmission rate and maintains the transmission rate if the one of the uplink and downlink set to be prioritized is different from the uplink or downlink subject to variation of the transmission rate by the transmission rate varying unit, wherein

the uplink or downlink set in the information detected by the detector as being prioritized is determined by the terminal apparatus, and

the transmission rate varying unit stops data communication in the uplink and downlink in order to execute the processing of varying the transmission rate.

11. (currently amended): A base station apparatus, comprising:

- a communication unit which communicates with a predetermined terminal apparatus at a variable transmission rate;
- a transmission rate varying unit which measures a quality of a channel for the terminal apparatus and performs a processing of varying a transmission rate of an uplink according to the quality, the processing involving the stoppage of data communication in an uplink and downlink;
- a detector which detects information on whether the downlink is set to be prioritized, from signals received from the terminal apparatus; and
- a communication control unit which stops the processing of varying the transmission rate in the uplink and maintains the transmission rate of the uplink if the downlink is set to be prioritized,

wherein

prioritization of the downlink as set in the information detected by the detector is determined by the terminal apparatus.

12. (currently amended): A base station apparatus, comprising:
 - a communication unit which communicates with a predetermined terminal apparatus at a variable transmission rate;
 - a transmission rate varying unit which acquires information on a channel quality from the terminal apparatus and performs, based on the information, a processing of varying a transmission rate of a downlink, the processing involving the stoppage of data communication in an uplink and downlink;
 - a detector which detects information on whether the uplink is set to be prioritized, from signals received from the terminal apparatus; and
 - a communication control unit which stops the processing of varying the transmission rate in the downlink and maintains the transmission rate of the downlink if the uplink is set to be prioritized,wherein

prioritization of the uplink as set in the information detected by the detector is determined by the terminal apparatus.

13. (previously presented): A base station apparatus according to Claim 10, further comprising a signal monitoring unit which monitors a type or amount of signals transmitted from and received by said communication unit,

wherein said communication control unit does not stop the varying processing in said transmission rate varying unit, according to the type or amount of signals of a line which is required to be prioritized by the information detected by the detector.

14. (previously presented): A base station apparatus according to Claim 11, further comprising a signal monitoring unit which monitors a type or amount of signals transmitted from and received by said communication unit,

wherein said communication control unit does not stop the varying processing in said transmission rate varying unit, according to the type or amount of signals of a line which is required to be prioritized by the information detected by the detector.

15. (previously presented): A base station apparatus according to Claim 12, further comprising a signal monitoring unit which monitors a type or amount of signals transmitted from and received by said communication unit,

wherein said communication control unit does not stop the varying processing in said transmission rate varying unit, according to the type or amount of signals of a line which is required to be prioritized by the information detected by the detector.

16. (currently amended): A terminal apparatus, comprising:
a communication unit which communicates with a predetermined base station apparatus at a variable transmission rate;

a decision unit which determines either an uplink or a downlink, to which priority is to be given, with the base station apparatus;

a signal generator which generates a request signal, as information on the degree of priority of a line, for a line to which priority is to be given, and which sends the generated request signal to the base station apparatus;

a transmission rate varying unit which performs a processing of varying a transmission rate of an uplink or downlink; and

a communication control unit which does not perform the processing of varying the transmission rate and maintains the transmission rate if the uplink or downlink determined by the decision unit to be prioritized is different from the uplink or downlink subject to variation of the transmission rate by the transmission rate varying unit.

17. (previously presented): A terminal apparatus according to Claim 16, wherein if the downlink is determined to be prioritized, said communication control unit disregards an instruction, issued from the base station apparatus, about a change in an uplink transmission rate and if the

uplink is determined to be prioritized, it does not request the base station apparatus to vary the transmission rate, regardless of a channel quality of the downlink.

18-21. (canceled)

22. (currently amended): A method for determining a transmission rate, comprising: communicating with a predetermined terminal apparatus at a variable transmission rate; performing a processing of varying a transmission rate of an uplink or downlink according to a channel quality of the terminal apparatus;

detecting information on one of the uplink and downlink set to be prioritized, from signals received from the terminal apparatus; and

referring to the information thus detected, and stopping the processing of varying the transmission rate and maintaining the transmission rate if the one of the uplink and downlink set to be prioritized is different from the uplink or downlink subject to variation of the transmission rate, wherein

the uplink or downlink set in the detected information as being prioritized is determined by the terminal apparatus, and

the transmission rate varying stops data communication in the uplink and downlink in order to execute the processing of varying the transmission rate.

23. (currently amended): A computer readable medium storing a program instructions executed by a computer, the program instructions comprising:

communicating with a predetermined terminal apparatus at a variable transmission rate via a wireless network;

performing a processing of varying a transmission rate of an uplink or downlink according to a channel quality of the terminal apparatus;

detecting information on one of the uplink and downlink set to be prioritized, from signals received from the terminal apparatus; and

referring to the information thus detected, and stopping the processing of varying the transmission rate and maintaining the transmission rate if the one of the uplink and downlink set to

be prioritized is different from the uplink or downlink subject to variation of the transmission rate, wherein

the uplink or downlink set in the detected information as being prioritized is determined by the terminal apparatus, and

the transmission rate varying stops data communication in the uplink and downlink in order to execute the processing of varying the transmission rate.